

The York County Board of Commissioners met according to law on December 1, 2009 at 9:35 a.m. as per notice in the York News Times on November 25, 2009, with Augustus M. Brown, Jr. presiding, with Eugene Bergen, Steve Neujahr, Kurt Bulgrin and Patricia Bredenkamp. Also present were Tim Sieh, County Attorney; Melanie Wilkinson, correspondent for the York News Times and Bo Blackman with KAWL Radio Station.

The agenda of the meeting was posted on the bulletin board in the County Clerk’s office and a copy of the agenda was made available to each Commissioner.

Brown announced that the Open Meetings Law was posted outside the door and copies were available in the back of the board room. Proof of publication was also available.

The Board met with Elected Officials and Department heads prior to the regular meeting. No action was taken.

Moved by Bulgrin, seconded by Bergen to approve the minutes of the York County Board of Commissioners proceedings of November 17, 2009; roll call: yeas, Bulgrin, Bergen, Bredenkamp, Neujahr, and Brown; nays, none; motion carried.

Moved by Neujahr, seconded by Bergen, to adopt the agenda; roll call: yeas, Neujahr, Bergen, Bulgrin, Bredenkamp and Brown; nays, none; motion carried.

The Board reviewed a General Assistance Case:

Moved by Neujahr, seconded by Bredenkamp to approve case #09-23 payable to Walgreen Pharmacy for medication in the amount of \$65.62; roll call: yeas, Neujahr, Bredenkamp, Bulgrin, Bergen and Brown; nays, none; motion carried.

There were no interfund transfers to be brought before the Board.

The Board reviewed the payroll and vendor claims. Additional claims to ETS for Sleuth software and Bryan LGH for emergency protective care were discussed. There was a question regarding the claim to Lancaster County for Juvenile services.

Moved by Bulgrin to approve payroll and vendor claims with the exception of the \$12,685.00 for juvenile care costs from County Court payable to Lancaster County Youth Services Center. The motion failed for lack of a second.

Moved by Bulgrin, seconded by Bredenkamp to approve the payroll in the amount of \$119,808.25 and vendor claims including the one for the Sheriff’s office (EFS) and the claim for services from Bryan LGH; roll call: yeas, Bulgrin, Bredenkamp, Bergen, Neujahr and Brown; nays, none; motion carried.

<u>Fund</u>	<u>Name</u>	<u>Description</u>	<u>Total</u>
Rd	Ace Irrigation and Mfg	Culverts	1,172.54
Rd	Ace Machine Shop and Sales Inc.	Repair Parts	360.00
Rd	Allied Oil & Supply, Inc.	Oil	358.52
Gen	Douglas Applegarth	Court Costs	20.00
Vis Prom	Avery Outdoor	Billboard Rental	240.00
Gen	Bob Barker Company, Inc.	Supplies	31.88
Rd	Baum Hydraulics Corp	Shop Supplies	250.92
Gen	Beaver Bearing Co. of York, LLC	Building Repair	18.29
Gen, Rd	Black Hills Energy	Heating Fuels	1,016.35
Gen	Blue Knight Security, Inc.	Security Contract	942.00
Rd	Bosselman	Fuel	19,351.90
State Inst	Bryan LGH Medical Center	EPC Billing	4,790.00
Rd	Car Parts Inc.	Repair Parts	178.03
Gen	Chances R Restaurant and Lounge	Juror Meals	224.64
Gen	Ann Charlton	Mileage	320.65
Gen	Chief Supplies	Safety Equip	37.98
Gen	City of York	Water/RAP Files	3,800.03
Gen, Rd	Constellation NewEnergy Gas Div	Heating Fuels	2,512.41
Gen	Continental Research Corp	Janitorial Supplies	840.45
Rd	Cornhusker Cleaning Systems Inc.	Shop Supplies	26.45
Gen, Rd, Wd	Eakes Office Plus	Office Supplies	193.63
Inher Tax	ETX Development Group, LLC	Equip	29,656.00
Rd	Fairbanks	Repair Parts	950.00
Rd	Farm Plan	Repair Parts	1,942.59
Rd	Fastenal Industrial & Const Supply	Repair Parts	188.49
Gen	Fillman Law Offices	Attorney Fees	315.00
Rd	Filter Care	Repair Parts	24.95
Gen	Brian Gibson	Court Costs	20.00
Gen	Cody Gibson	Court Costs	20.00
Gen	Hall County Court, District Nine	Court Costs	2.50
Gen	Hobart Sales & Service	Equip	319.55
Gen	Home Care Plus	Medical-Prisoners	190.00
Gen	Jeanne Huff	Baliff	105.00
Gen	Jackson Services Inc.	Bldg Maintenance	42.50
Rd	Johnson Sand & Gravel Co, Inc.	Gravel	161.42
Rd	Kimball Midwest	Repair Parts	404.97
Gen	Lancaster County Youth Services Ctr	Juvenile Care Costs	12,685.00

Gen	Dustin Langenberg	Mileage	113.85
Gen	Lawson Products, Inc.	Janitorial Supplies	49.61
Gen	Amanda Lind	Court Costs	20.00
Rd	Linweld, Inc.	Repair Parts	30.24
Rd	Lyle Signs, Inc.	Signs & Posts	609.66
Gen	Jamie Martelle	Mileage	57.75
Gen	Mid-American Research Chemical	Janitorial Equip	252.97
Gen	Midwest Auto Fire Sprinkler Co.	Bldg Maintenance	255.00
Rd	Myers Tire Supply	Shop Supplies	68.63
State Inst	Ne Health and Human Services	October 2009	732.00
Drug Test	Ne Public Health Environmental Lab	Drug & Alcohol Test	168.00
Gen	Ne Public Power District	Electricity	2,586.34
Rd	Ne Truck & Equipment Co, Inc.	Repair Parts	1,268.74
Rd	Ne Truck Center, Inc.	Repair Parts	482.92
Rd	Nichols Construction Co	Gravel	1,906.32
Rd	Nitro Construction Inc.	Rock	8,687.25
Rd	NMC Exchange LLC	Grader Blades	2,754.53
Gen	North Office Supply	Office Supplies	260.40
Gen	O'Keefe Elevator Company, Inc.	Maint Agr	354.53
Rd	O'Reilly Auto Parts	Shop Tools	53.04
Rd	Officenet	Office Supplies	37.24
Rd	Overland Sand & Gravel Company	Gravel	10,053.01
Gen	Pamida Stores Operation Co LLC	Medical-Prisoners	50.62
Drug Test	Lynn Peavey Company	Drug & Alcohol Test	47.88
Gen, Rd	Perennial Public Power District	Electricity	183.62
Rd	Petersen Enterprises	Repair Parts	521.40
Gen	Plains Power & Equip. Inc.	Equip	505.00
Rd	Power Plan	Repair Parts	142.90
Wd	Rasmussen Auto Parts	Supplies	14.33
Gen	Rasmussen Mechanical Services, Inc.	Maint Agreement	4,311.21
Gen	Redfield & Company, Inc.	Office Supplies	132.00
State Inst	Region V Systems	EPC Billing	660.00
Gen	Ed Roehr Safety Products	Safety Equip	48.63
Rd	Safety-Kleen Systems	Equip Rental	372.33
Gen	Secretary of State, Rules & Regs	Court Costs	40.00
Rd	Seward Electronics	Repair Parts	83.20
Rd	Snap-On Tools	Shop Tools	186.50
Vist Prom	St. Joseph's Athletic Club	Publication	90.00
Gen, Data			
Proc	State of Ne Das Central Finance	Equip Rental	496.25
Gen	Svehla Law Offices	Attorney Fees	802.50
Rd	Thermo King Christensen	Fuel	1,333.58
Sheriff	Time Warner Cable	Subscription	66.71
Vis Prom	USA Outdoor II, LLC	Billboard Rental	310.00
Rd	Weldon Industries, Inc.	Repair Parts	85.90
Vis Prom	Wessels Living History Farm	Grant	3,913.25
Gen	West Payment Center	Court Costs	168.50
Gen	York County Sheriff	Reimbursement	1,858.98
Rd	York Farm Supply LLC	Repair Parts	7.95
Vis Prom	York News-Times	Publication	6.92
Vis Prom	York Promotional Products	Special Projects	50.00
Vis Prom	York Wholesale Company	Promo Supplies	15.40
Rd	Zee Medical Service	Safety Equip	208.85
Gen	Gary Zoubek	Mowing	644.00
Gen	Jury Costs		2,784.40

The Board discussed the protocol regarding usage of county issued credit cards.

Moved by Bulgrin, seconded by Neujahr that the Purchase Card Policy be adopted and made a part of the York County Handbook; roll call: yeas, Bulgrin, Neujahr, Bergen, Bredenkamp and Brown; nays, none; motion carried.

**YORK COUNTY  
PURCHASE CARD POLICY**

**CARDHOLDERS RESPONSIBILITIES**

1. The York County Purchase Card shall only be used by an authorized Cardholder who has signed the Cardholder Agreement.
2. Cardholder shall sign Acknowledgment of Receipt of the Card.
3. Cardholder shall insure that sales tax is not assessed, and if it is inadvertently assessed, insure that sales tax is removed at the time of the charge.
4. Invoices shall reflect the exact dollar amount indicated in the Purchase card statement.
5. RETAIN AND REMIT ALL SALES SLIPS/REGISTER RECEIPTS. The Purchase card account must be

reconciled with each monthly cycle against the statement, and the Clerk’s Office requires sales receipts to accomplish this task. Receipts shall be forwarded to the Clerk’s office in a prompt, timely manner to avoid late fees. ALL RECEIPTS SHALL BE SIGNED BY THE CARDHOLDER. In all cases, there shall be sufficiently specific details so as to reasonably ascertain the “item” purchased and the price paid.

**GUIDELINES FOR CARD USE**

**What can be purchased using the York County Purchase Card?**

- 1. Fuel for County vehicles.
- 2. Airline fare for out of county travel
- 3. Overnight accommodations (when on county business) in the event that the motel/hotel is unable or unwilling to directly bill the county.
- 4. Merchandise
- 5. Computer purchases
- 6. Meals and drinks – dollar amount according to personnel manual

**What cannot be purchased using the York County Purchase card?**

- 1. Cash Advances
- 2. Alcoholic beverages
- 3. Services
- 4. Personal use
- 5. Entertainment

**PURCHASE CARD SECURITY**

The York County Purchase Card shall always be treated with a level of care that will reasonably secure the card and account number.

- 1. Storage of the York County Purchase Card. The card shall be kept in a secure place in each county official’s/department head’s office. Those employees needing to use their card shall be required to sign a cardholder Agreement and shall return the card to their respective official/department head and the employee shall review the use of the card and shall deliver all sales slips/register receipts to the York County Clerk within five days of the card being returned to the county official/department head.
- 2. Purchase Card Account Number. Guard the Purchase card account number carefully. Do not post it at your desk or leave it where it is accessible by others.
- 3. Sharing (or use by someone other than the cardholder). The only person entitled to use the York County Purchase card is the person to whom it was authorized. Do not lend the card to another person for use.
- 4. Keep the card in an accessible, but secure location. In the event the card is lost or stolen, notify the York County Clerk’s office immediately.

**CARDHOLDER AGREEMENT**

As an authorized user of the York County Purchase Card, I understand that I am the only person authorized to make a purchase with the Card, I further understand and do hereby agree that such purchase shall only be in connection with my employment and shall be in accordance with the York County Board of Commissioners’ policy for Purchase card use.

I understand that the following items constitute issue of the York County Purchase Card and that any misuse will result in the revocation of my privileges to use the card. In addition to the above consequences for misuse of the Purchase Card, York County retains the right to take further action, whether in the form of disciplinary action, termination of employment, and/or legal prosecution, in the event of gross misuse and/or fraud involving county funds.

**Misuse of the York County Purchase Card includes the following:**

- 1. Using the Card for personal purchases
- 2. Purchase of unauthorized items
- 3. Use of Card by someone other than myself
- 4. Fraudulent or inaccurate record keeping

Name of Card User \_\_\_\_\_ Date \_\_\_\_\_

Cardholder’s Signature \_\_\_\_\_

**RETURN OF YORK COUNTY PURCHASE CARD UPON TERMINATION OF EMPLOYMENT WITH YORK COUNTY**

I acknowledge that, on the date indicated below, I returned the York County Purchase Card to my Department Head/County Official. I further state that I have not and will not record said number to make any further purchases on this card after my final date of employment with York County, Nebraska.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Department Head/County Official

\_\_\_\_\_  
Date

Moved by Neujahr, seconded by Bulgrin to table action on the “Discuss and Act on Handbook Committee Recommendations” for two weeks at least; roll call: yeas, Neujahr, Bulgrin, Bergen, Bredenkamp and Brown; nays, none; motion carried.

The Board reviewed the applicants for Public Defender.

Moved by Bulgrin, seconded by Bredenkamp to adopt Resolution #09-77 appointing Samuel Bethune as the York County Public Defender and that such appointment take place effective December 16, 2009; roll call: yeas, Bulgrin, Bredenkamp, Neujahr, Bergen and Brown; nays, none; motion carried.

**RESOLUTION #09-77**

WHEREAS Eric Williams, York County Public Defender, has submitted a letter of resignation effective December 15, 2009; and

WHEREAS the Board has advertised for the position of Public Defender in the manner prescribed by law; and

WHEREAS Samuel Bethune has submitted an application for the position and has been interviewed by the York County Board of Commissioner; and

WHEREAS the Board has determined that Samuel Bethune is a qualified candidate to serve as York County Public Defender;

NOW, THEREFORE, BE IT RESOLVED that Samuel Bethune is appointed to serve as York County Public Defender for the remainder of the term of the current Public Defender; further, that this appointment shall be effective December 16, 2009.

Dated this 1<sup>st</sup> day of December, 2009.

Moved by Neujahr, seconded by Bulgrin that the Board go into executive session at 10:03 a.m. to discuss a tort claim by way of a conference call with Vince Valentino of NIRMA and Tim Sieh, York County Attorney; roll call: yeas, Neujahr, Bulgrin, Bergen, Bredenkamp and Brown; nays, none; motion carried.

The Chairman restated the motion.

Moved by Neujahr, seconded by Bergen that the Board come out of Executive Session at 10:25 a.m. where no action was taken with the tort claim. Executive session included the NIRMA representative and our County Attorney; roll call: yeas, Neujahr, Bergen, Bulgrin, Bredenkamp and Brown; nays, none; motion carried.

The Board contacted Samuel Bethune, newly appointed York County Public Defender, by telephone conference to offer him the position of Public Defender which he then accepted.

Bob Sautter of the York County Visitors Committee came before the Board to request the reappointment of Larry Mertens to the Visitors Bureau.

Moved by Bredenkamp, seconded by Bulgrin that the York County Board adopt Resolution #09-78 to reappoint Larry Mertens to the York County Visitors Bureau for a term of an additional four (4) years; roll call: yeas, Bredenkamp, Bulgrin, Bergen, Neujahr and Brown; nays, none; motion carried.

**RESOLUTION #09-78**

WHEREAS, the term of Larry Mertens, Member of the York County Visitors Committee expired on November 27, 2009. And

WHEREAS, the York County Board of Commissioners is aware that Larry Mertens is willing to serve for another term, and further that the Board of Commissioners feels that it would be appropriate to reappoint said Larry Mertens to serve another term.

NOW, THEREFORE BE IT RESOLVED, that Larry Mertens is hereby appointed to the York County Visitors Committee to serve an additional term of four years commencing on December 1, 2009

Dated this 1st day of December, 2009.

The Board has in the past contracted with a private company to conduct the audit of the County. They felt that it would be a good option to have the State Auditor's Office conduct the 2009-2010 audit to insure that everything is being conducted correctly.

Moved by Neujahr, seconded by Bergen to ask the State Auditor to do the audit for 2009-2010; roll call: yeas, Neujahr, Bergen, Bredenkamp, Bulgrin and Brown; nays, none; motion carried.

An interlocal agreement for the Rural Apprehension Program for law enforcement was reviewed.

Moved by Bulgrin, seconded by Bergen to adopt a Resolution #09-79 to enter into an interlocal agreement for the RAP program for 2010 and pay the amount of \$2,765.50; roll call: yeas, Bulgrin, Bergen, Neujahr, Bredenkamp and Brown; nays, none; motion carried.

**RESOLUTION #09-79**

WHEREAS, law enforcement agencies with the following counties: Butler, Fillmore, Hamilton, Jefferson, Merrick, Polk, Saunders, Seward, Thayer, Webster and York desire to enter into a cooperative law enforcement effort; and

WHEREAS, the above agencies have submitted a grant application known as the RURAL APPREHENSION PROGRAM (hereafter RAP 20 #09-DA-307); and

WHEREAS, the RAP project has been funded by the Nebraska Crime Commission; and

WHEREAS, the various counties, communities, and agencies within those jurisdictions desire to make the most efficient use of the power by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and

facilities in a manner pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors; and

WHEREAS, an interlocal agreement, consistent with Nebraska Revised Statutes 13-801 et.seq, would be in the best interest of all participating agencies; and

WHEREAS, the agencies desire to enter into a written interlocal agreement for the purposes of carrying out the RAP objectives and grant requirements of the Nebraska Crime Commission.

**BE IT RESOLVED THAT:**

The County of York authorizes Augustus M. Brown, Jr., Chairman to enter the county of York into an interlocal agreement for joint and cooperative action pursuant to the provisions of Section 13-801 through 13-807 of Nebraska Revised Statutes. The interlocal agreement shall be for the strict administration of the RAP project and all funds allocated by the Nebraska Crime Commission, and Match dollars allocated by the RAP members. Further, this interlocal agreement shall not establish a separate legal entity, rather as a joint and cooperative undertaking between public agencies i.e. state, county, city and village. (Nebraska Revised Statute 13-801).

Amount of match dollars allocated by the County of York for the 2009-2010 grant period (RAP 20) will be \$2,765.50. (2000 census 5,531 x \$0.50)

Dated this 1<sup>st</sup> day of December, 2009.

Brenda Scavo, County Treasurer requested the release of a pledged security with Cornerstone Bank in the amount of \$2,000,000.

Moved by Bredenkamp, seconded by Bulgrin to adopt Resolution #09-80 to release a pledged security with Cornerstone Bank in the amount of \$2,000,000; roll call: yeas, Bredenkamp, Bulgrin, Bergen, Neujahr and Brown; nays, none; motion carried.

**RESOLUTION #09-80**

**WHEREAS, Cornerstone Bank, N.A..** was heretofore designated as a depository for County Funds and to secure the same from time to time, has heretofore deposited with escrow, certain securities, which have from time to time with the approval of the County Board been submitted for other securities; and

**WHEREAS,** at this time there are on deposit with said U.S. Bank N.A. in escrow, to secure the County deposits in said Cornerstone Bank N.A. the following security:

Security Description: Federal Home Loan Bank  
Cusip: 3133XT7G5  
Maturity Date: 9-25-2015  
Issue Date: 3-25-2009  
Pledged Amount: \$2,000,000.

**BE IT THEREFORE RESOLVED** that the depository receipts heretofore filed with the County Clerk covering the above described securities, be and hereby are cancelled and discharged, and the County of York hereby releases the said U.S. Bank N.A. Escrow Agent from all liability by reason of the surrender of the said bonds and hereby authorizes and empowers the County Treasurer to surrender the Depository Receipt covering said securities to Cornerstone Bank N.A.

DATED this 1st day of December, 2009

Committee reports were given.

Commissioners Neujahr and Bredenkamp along with Kelly Turner, Deputy County Clerk spoke with the Board regarding the service charges for Connecting Point which supplies the equipment for the time clocks that are presently being installed in the county offices. The matter was tabled to allow time for a review of the proposed contract.

The Chairman declared the meeting adjourned at 11:23 a.m. The next regular meeting will be December 15, 2009 at 8:30 a.m. with Elected Officials/Department Heads; 9:20 a.m. with the General Assistance Administrator and 9:35 a.m. in the County Commissioners Room, lower level of the Courthouse for the regularly scheduled meeting.

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Augustus M. Brown, Jr., Chairman  
York County Commissioners

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Cynthia D. Heine, County Clerk  
York, Nebraska